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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/361,413	07/27/1999	MITSUO NIIDA	35.C13685	5490

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NEW YORK, NY 10112

EXAMINER

VILLECCO, JOHN M

ART UNIT PAPER NUMBER

2612

DATE MAILED: 01/20/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/361,413

Applicant(s)

NIIDA ET AL.

Examiner

John M. Villecco

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION II

1. Applicant has cancelled all previously pending claims, claims 1-25, and added new claims, 25-31. Therefore, a new and updated search was performed and a new grounds of rejection was necessitated. Please see the action below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 25-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al. (U.S. Patent No. 6,313,875) in view of Tanaka et al. (U.S. Patent No. 6,100,812).**

4. Regarding *claim 25*, Suga discloses an apparatus for remotely controlling a camera that allows a user to select a desired area within an image in which to control processing. More specifically, the system includes a plurality of cameras (2, 7, 12) and a plurality of terminals (3, 8, 13). A user at one of the terminals is capable of controlling any of the cameras. As shown in Figure 5, the user is capable of selecting any of the inputs and controlling the image from the camera using the menu (105). Furthermore, as shown in Figure 12A-12D, the user is able to select a range within the image and displaying the range selected by the user. See column 10, lines 18-44. This step serves as the frame determination step since a shape and size of the frame is being determining. Furthermore, after the user sets the frame size, which acts as the first

Art Unit: 2612

command generation step, a command is sent to the camera informing it of the size of the frame that has been set (col. 10, lines 5-8). The user can then set any one of an exposure, focus, or white balance according to the selected area of the image. The user is able to form an image based on the white balance of the selected area thus, forming a better image. Therefore, it would have been obvious to one of ordinary skill in the art to remotely control a camera by selecting an area within an image in which to control the processing of the image so that a high quality image is formed.

Suga, however, fails to explicitly state that the transfer of the image data happens isochronously or that the transfer of the command information takes place asynchronously. Tanaka, on the other hand, discloses a method for satisfactorily controlling electronic equipment from a remote location without useless processing. The system includes a computer (13) connected via IEEE-1394 serial bus (15) to the camcorder (12). As shown in column 6, lines 15-35, Tanaka discloses the ability to communicate in both an isochronous communication mode (first communication mode) and an asynchronous communication mode (second communication mode). The asynchronous mode is used to transfer control commands to the target. Furthermore, Tanaka discloses that functional commands are sent to the camera in order to control the camera remotely. See column 7, line 38 to column 8, line 29. Finally, Tanaka discloses that the video data is transmitted using isochronous communication and the control commands are transmitted using the asynchronous communication (col. 6, lines 17-23). It is well known in the art that isochronous transfer provide and common and reliable way to provide real-time data, such as image data, and that asynchronous transfer is good for transferring bulk information at specific time, such as command. Therefore, it would have been obvious to

provide the image data in Suga using isochonous transfer and to provide the commands to the camera in Suga using asynchronous transfer.

5. As for *claim 26*, Suga discloses that the frame is a rectangle.

6. With regard to *claim 27*, Suga discloses that the frame is displayed on the display on top of the captured image.

7. Regarding *claim 28*, Suga discloses the ability to select a type of operation to be performed using the designated frame area. Suga discloses that any one of exposure, focus, and white balance, can be performed on the image using the selected area. After the area and operation are selected, they are transferred to the camera. See column 10, lines 5-8.

8. As for *claim 29*, Suga discloses that any on of exposure, focus, and white balance can be performed on the image using the selected area.

9. With regard to *claim 30*, Suga discloses that the frame is displayed on the display on top of the captured image.

10. **Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suga et al. (U.S. Patent No. 6,313,875) in view of Tanaka et al. (U.S. Patent No. 6,100,812) and further in view of Kawamura et al. (U.S. Patent No. 6,522,354).**

11. Regarding *claim 31*, as mentioned above in the discussion of claim 30, both Suga and Tanaka disclose all of the limitations of the parent claim. However, neither of the aforementioned references discloses changing a color of the frame depending on the determined function. Kawamura, on the other hand, discloses that it is well known in the art to display frames in different colors depending upon a selected action. More specifically, Kawamura

Art Unit: 2612

discloses the thumbnail images can be displayed using different color frames depending on where the image was transferred. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made change the frame in Suga depending upon whether the action to be taken is exposure, focus, or white balance, so that the user is visually informed on what action will be taken on the designated area.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

Art Unit: 2612

(703) 308-6306, (for formal communications; please mark "**EXPEDITED PROCEDURE**"; for informal or draft communications, please label "**PROPOSED**" or "**DRAFT**")

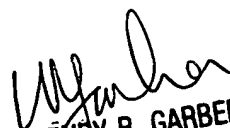
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.


JMV
1/9/04


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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